

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARROLL DURRELL, PARENT AND	:	CIVIL ACTION
EDUCATIONAL DECISION MAKER FOR	:	
S.H., et al.	:	
	:	
v.	:	
	:	
LOWER MERION SCHOOL DISTRICT	:	NO. 10-6070

ORDER

AND NOW, this 30th day of June, 2011, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant to dismiss Count I of the complaint, incorrectly denominated a motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure, is GRANTED for failure to state a claim under Rule 12(b)(6); and

(2) the motion of defendant to dismiss the complaint is otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.